

To: CN=Cara Steiner-Riley/OU=R10/O=USEPA/C=US@EPA[]
From: CN=Michael Szerlog/OU=R10/O=USEPA/C=US
Sent: Tue 5/25/2010 5:57:03 PM
Subject: Re: Tribes request 404(c) process

Thanks. Got same message. So, where are the R10 attorneys (Ankur and Kim)? Are they coming down to Portland today?

Thanks

Michael Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs.

----- Original Message -----

From: Cara Steiner-Riley
Sent: 05/25/2010 10:34 AM PDT
To: Michael Szerlog; Phil North; Patricia McGrath; Mary Thiesing
Cc: David Allnutt
Subject: Fw: Tribes request 404(c) process

In case you have not seen these....

Cara Steiner-Riley
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----- Forwarded by Cara Steiner-Riley/R10/USEPA/US on 05/25/2010 10:28 AM -----

From: "jeff parker" <gparker@alaska.net>
To: Cara Steiner-Riley/R10/USEPA/US@EPA
Date: 05/24/2010 06:59 PM
Subject: Tribes request 404(c) process

Dear Ms. Cara Steiner-Riley,

I received your phone message, returning mine. Thank you.

On Friday, May 21, I mailed to Mr. McLerran and Ms. Jackson of EPA the attached letter is from six federally-recognized tribes in the Kvichak and Nushagak river drainages of SW Alaska. Therein, the Tribes request that EPA commence a public process under Section 404(c) of the Clean Water Act, to identify waters and wetlands in which discharge of dredge and fill material (including mining wastes) associated with metallic sulfide mining in those drainages, including from a potential Pebble mine, would be prohibited or restricted.

Due to overlapping issues, the letter on 404(c) also encloses copies of two other letters to which the letter on 404(c) refers for certain purposes. One is on my letterhead, from me and my co-counsel, and concerns our tribal clients' potential status as cooperating agencies on any EIS on Pebble mine. The other, from the six tribes and a commercial fishing cooperative (AIFMA Cooperative d/b/a the Alaska Independent Fishermen's Marketing Association) to a state Representative Bryce Edgmon who represents much of the area, urges him to facilitate discussion of whether most of the state land in the Kvichak and Nushagak drainages, including at the Pebble mining claims, should be legislatively designated as a state fish and game refuge or state critical habitat area. The letter to Rep. Edgmon

attaches a briefing paper to which the 404(c) letter refers for certain purposes.

However, I did not mail last Friday the letter on cooperating agency status, when I enclosed it with the 404(c) letter. I will do so shortly, but I would like to speak to you first. So, let's try to talk in the morning.

Thanks.

Jeff Parker
907-222-6859

[attachment "Six Tribes' Joint Letter to EPA requesting 404(c) process.pdf" deleted by Michael Szerlog/R10/USEPA/US]

[attachment "Enclosure_1_Counsel Request meet w Corps, EPA re tribes as cooperating agencies.pdf" deleted by Michael Szerlog/R10/USEPA/US]

[attachment "Enclosure_2_Tribes & AIFMA's Joint Letter to Rep. Edgmon w Briefing Paper.pdf" deleted by Michael Szerlog/R10/USEPA/US]